

HONORABLE JUDGE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL WRIGHT and ALEXIS WRIGHT,  
a married couple,

Plaintiff,

vs.

STATE FARM FIRE & CASUALTY  
COMPANY, a foreign insurer,

Defendant.

Case No. 2:23-cv-00179-JNW

**DECLARATION OF HEATHER N.  
DERENSKI IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION FOR  
PROTECTIVE ORDER**

1. I am over the age of eighteen and competent to testify. I am Plaintiffs' counsel in this case. This declaration is based on my personal knowledge.

2. Attached are true and correct copies of:

- a) **Exhibit 1:** Select Pages of the FRCP 30(b)(6) deposition Transcript - Jalali
- b) **Exhibit 2:** October 2024 Email thread regarding 30(b)(6) Depositions
- c) **Exhibit 3:** Email thread regarding 05/24/24 Meet and Confer
- d) **Exhibit 4:** Email thread regarding State Farm's availability for its deposition
- e) **Exhibit 5:** Email exchange regarding 10/11/24 Discovery call

- During the deposition of State Farm adjuster Tim Treat, Mr. Hicks repeatedly objected with speaking objections and elongated colloquies interrupting and obstructing the deposition. At times, he was blatantly coaching the witness. – *Transcript pending.*
- During the depositions of State Farm’s witnesses, and Mr. Treat, Plaintiffs never asked the witnesses for any specific salary figures for any employee or manager. – *Transcripts pending*
- Tim Treat’s salary information was produced redacted. Plaintiffs never challenged this.
- Former Defense Counsel Furman confirmed in the discovery call on February 2, 2024 that he would confer with his co-counsel Mr. Hicks and provide Defendant’s written objections and any proposed revisions to the topics within days.
- “The news” included a request for Defendant’s Fed. R. Civ. P. 30(b)(6) deposition to be postponed due to Mr. Hick’s extended unavailability.
- Plaintiff re-noted the State Farm’s deposition for June 7 on May 21, 2024 when State Farm could not produce discovery in time, including documents requested in July 2023. I met with Mr. Hick for a discovery conference to include deposition topics on May 24, 2024, and he confirmed he would review the Notice topics and respond in writing. The deposition was agreed to be postponed, as pertinent discovery responses to Plaintiffs’ First Interrogatories and Requests for Production, served on July 26, 2023, had not been produced.

- 1           • The August 29 discovery call was extensive, spanning 2 ½ hours, and was  
2           attended by Defendant’s counsel Hicks, and Plaintiffs’ counsel Malling and with  
3           Malling’s Associate Erin Cossette and me. Mr. Hicks did not object to, nor seek  
4           to limit the topics noted in Plaintiffs’ Exhibit A Deposition Notice during that call  
5           or until his letter of October 10.
- 6           • We agreed to meet for a Fed. R. Civ. P.26(f) conference call on the 30(b)(6)  
7           objections on Friday October 13 at 3:30pm. We aimed to confer in good faith, but  
8           the conversation quickly deteriorated, making a productive discussion impossible.  
9           Mr. Hicks repeatedly interrupted and misstated nearly everything we said. After  
10          several warnings, counsel Malling indeed terminated the call when Mr. Hicks  
11          began making wild and personal accusations, and further discussion on the subject  
12          matter was impossible.
- 13          • Mr. Hicks’ portrayal of the interaction is misleading and fails to account for his  
14          contributions. It entirely overlooks the fact that all participants engaged equally in  
15          the contentious dialogue. The call was indeed challenging for all participants, and  
16          when it was clear no further good could come from the discussion the call was  
17          terminated.
- 18          • Plaintiffs sent a follow-up email detailing that call and insisted that **ALL future**  
19          **calls be recorded.**
- 20          • Plaintiffs’ counsel requested any proposed revisions to the deposition topics be  
21          sent in writing, and those were never received.
- 22          • For its Fed. R. Civ. P. 30(b)(6) depositions many times the witnesses were  
23          unprepared to speak on topics for which they were designated.
- 24          unprepared to speak on topics for which they were designated.
- 25          unprepared to speak on topics for which they were designated.

- State Farm’s 2<sup>nd</sup> 30(b)(6) witness testified the indemnity payments are a specific metric in the incentive plans for managers. State Farm’s witnesses further testified that managers are in part measured based on the performance of their team, and documentation produced included “compliance” as a metric. – *Transcripts pending*
- The second designee relied on documents now filed under seal with Docket No. 62 for his deposition. These documents were produced to our office just days before State Farm’s deposition.
- The witness designated to speak on incentive plans requested to see those documents during his testimony and relied on the documents which are an exhibit to that deposition. – *Transcript pending.*

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1<sup>st</sup> day of November 2024 in Snohomish, Washington.

s/Heather N. Derenski  
Heather N. Derenski

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the State of Washington that on November 1, 2024, I caused one true copy of the foregoing document with exhibits to be served in the manner indicated below:

**Attorney for Defendant**  
**State Farm Fire & Casualty Company**  
James D. Hicks  
SINARS SLOWIKOWSKI TOMASKA LLC  
221 1<sup>st</sup> Avenue W., Suite 200  
Seattle, WA 98121 Seattle, WA 98119  
(206) 705-2115  
jhicks@sinarslaw.com

- ☐ U.S. Postal Service
- ☐ Facsimile
- ☐ E-Mail
- ☒ E-Service/ECF
- ☐ Hand Delivery
- ☐ Via Legal Messenger Service

DATED November 1, 2024, in Snohomish, Washington.

CEDAR VIEW LAW, PLLC

s/Heather N. Derenski  
Heather N. Derenski, Attorney